

REMARKS

Claims 1-3 and 7 stand rejected in this application under 35 U.S.C. 103(a) as being unpatentable over Uchiyama (US 2003/0078071) in view of Mullen (US 2005/0266891). Claims 4-6 and 9 stand rejected in this application under 35 U.S.C. 102(e) as being unpatentable over Uchiyama (US 2003/0078071).

The independent claims have been amended to explicitly clarify that, as described at paragraph [0031], lines 28-29, a determination is made by the mobile communication device as to whether or not the mobile alerter is inserted into a cavity of the mobile communication device such that the connection interface of the mobile alerter is coupled to the host connection interface of the mobile communication device (see paragraphs [0018]-[0022]) to identify the mode of operation (i.e. tethered or un-tethered), before a given notification message is sent to the mobile alerter. Whether the mobile alerter subsequently receives notification messages through its connection interface or wirelessly will depend on the determination.

For each notification message to be sent to the mobile alerter, since a determination is explicitly made by the mobile communication device before the respective notification message is sent to the mobile alerter, the system can switch back and forth between the tethered and un-tethered modes, by the user simply removing the mobile alerter from the cavity or re-inserting the mobile alerter into the cavity (to form a mating connection between the connection interfaces). Accordingly, the mobile alerter provides alerts for the mobile communication device in both modes – specifically, via the connection interfaces in the tethered mode, and wirelessly in the un-tethered mode.

Uchiyama clearly teaches that when the wireless telephone is not connected to the docking station, the docking station relies only on land-line

signals from the land-line interface (see Uchiyama, paragraph [0044]). As noted by the Examiner at page 3, we agree that Uchiyama does not teach that a mobile alerter can output notification alerts in both the tethered and un-tethered modes.

Mullen does not teach that any determination is made as to whether the alerter is wired or wirelessly coupled to the mobile communication device before an alert is generated, in order to determine the manner in which an alert received by the host device is to be relayed to the alerter. Accordingly, Mullen cannot provide the capability of switching back and forth between the wired and wireless modes depending on such a determination, in contrast to the Applicant's system and method as reflected in the amended claims.

It will be understood by persons skilled in the art that FIGS. 1 to 4 of Mullen depict examples of different sensors and notification devices, and not different operating modes integrated in a singular device. The Applicant respectfully submits that the claims are not obvious, for example, in view of the disclosure relating to the wired functionality of the alerter in one Mullen device (e.g. FIG. 1) and to the wireless functionality of the alerter in some other Mullen device (e.g. FIG. 2).

Although Mullen teaches a wired alerter in one implementation, and a wireless alerter in another implementation, Mullen neither teaches nor suggests that the two functionalities may be combined. Moreover, Mullen does not provide any motivation for combining the two functionalities. Although the "teaching, suggestion or motivation" test should not be rigidly applied, it may provide helpful insight in considering the obviousness issue (*KSR Int'l Co. v. Teleflex, Inc.* (2007)). Furthermore, Mullen does not teach or describe the modifications that might be required to combine the wired and wireless functionalities in any way. For example, Mullen does not teach that the interfaces 111/112 (FIG. 1) and 211/212 (FIG. 2) can be somehow integrated.

The Applicant respectfully submits that it would not be obvious to combine the two functionalities, and further that it would not be obvious to integrate them in the specific manner taught by the Applicant, whereby the mobile alerter mates with the host device in a physically integrated manner, by providing a cavity with a host connection interface on the host device. Further, apart from the mobile alerter and the mobile communication device, no separate hardware need be attached to or detached from the mobile communication device, in order to facilitate a switch between the tethered and un-tethered modes.

When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious (*KSR Int'l Co. v. Teleflex, Inc. (2007)* citing *United States v. Adams (1966)*).

The Applicant notes that at paragraph [0025], Mullen discusses embedding the remote notification device of FIG. 2 in a device such as a watch. This would suggest to persons skilled in the art that the remote notification device is not designed to be removably connectable to the host device. It is respectfully submitted that this teaches away from the claimed subject matter.

As a further example, FIG. 3 of Mullen illustrates a remote notification device that attaches to a cellular phone through a wired extension and a notification sensing device affixed to the cellular phone. Mullen does not disclose that the remote notification device includes a wireless receiver. In fact, at paragraph [0029], Mullen explicitly states that the wired extension may instead [emphasis added] be replaced with wireless means. There is no suggestion that the remote notification device can operate to receive signals wirelessly when the wired extension is disconnected from the notification sensing device in one mode of operation, and receive signals through the wired extension when connected to

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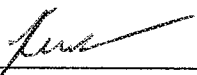
the notification sensing device in a different mode of operation. It is respectfully submitted that Mullen explicitly teaches alternative and mutually exclusive wired and wireless operational modes, and that this further teaches away from the claimed subject matter.

For the above reasons, it is respectfully submitted that the subject matter of the amended claims is not obvious in view of the references cited by the Examiner, taken alone or in combination. Withdrawal of the rejections under 35 U.S.C. 103 is requested.

Claim 4 has been amended to recite a system comprising the alerter of claim 1. It is respectfully submitted that the subject matter of claim 4 and the claims dependent thereon is novel and not obvious over the references cited by the Examiner for the same reasons, and withdrawal of the rejections under 35 U.S.C. 102 is respectfully requested.

In view of the foregoing clarifications, Applicants respectfully submit that each of claims 1-7 and 9 are in form for allowance, and a notice to that effect is respectfully requested. Should there be any remaining issues after this amendment, the Examiner is kindly invited to call the undersigned.

Respectfully submitted,
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